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August 9, 2023

By ECF

The Honorable Ann Donnelly
United States District Judge
United States Court House
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Sylla v. Amazon Labor Union,
23 Civ. 5261 (AMD) (TAM)

Dear Judge Donnelly:

We represent Defendants in this matter. We respectfully request that Your Honor consider this brief reply to Plaintiffs' response to our request for pre-motion conference.

Plaintiffs' counsel writes that his briefing in support of his motion for preliminary injunction "will" include an amended complaint. Plaintiffs' counsel further states that the Court has "asked" him to respond no later than today to Defendants' August 1 request for pre-motion conference¹ and that he "request[s] that the Court wait for the Amended Complaint to be filed." Plaintiffs' counsel's letter does not, however, seek leave to file an amended complaint as Fed. R. Civ. Pro. 15(a)(2) requires where, as here, a party has already amended its pleading once as of right. ECF No. 1 (Complaint); ECF No. 9 (Amended Complaint). Plaintiffs have not shared a proposed second amended complaint with us, let alone asked us to stipulate to the filing thereto.

Respectfully submitted,

/s/

Jonathan A. Bernstein

¹ In fact, the Court directed Mr. Schwartz to respond no later than August 8. Scheduling Order 8/1/23.